

REMARKS

In the action of July 14, 2010, the examiner objected to the drawings; rejected claims 6, 9 and 11 under 35 U.S.C. §103 as unpatentable over Nakamura *et al* in view of Sullivan; and rejected claims 12 and 13 under 35 U.S.C. §103 over Nakamura *et al* in view of Sullivan and further in view of Gruber. No claims were allowed.

In response, applicant submits new Figure 4, which shows a fluid-dispensing toothbrush with a pump, in combination with a pouch such as shown in Figure 1. No new matter is included. Withdrawal of the objection to the drawings is thus respectfully requested.

Applicant's attorney has carefully studied the examiner's action, including the newly cited reference to Sullivan relative to the claimed wing portions, as set forth in detail in claims 1 and 12. A review of Sullivan indicates that it does not teach the claimed wing structure of claims 1 and 12. In particular, note first that those claims have been amended to recite that the wing sections are of substantially equal width on either side of the spout. This is clearly not the case of Figure 3 of Sullivan. Also note the existing limitations of the wing portions relative to the claimed open sections and the sealed remainder. The open sections extend above the gusset and inwardly from opposing side edges of the container a small distance compared to the width of the container. There is no such structure in Sullivan. The wing portions of Sullivan are open all the way from the respective edges of the bag to the central portion. The above structural limitations, including the equal width of the wing portions and the open and sealed sections of the wing portions, are, as pointed out previously, quite important to the desired operation of applicant's gusseted bag. They allow the bag to first open completely, allowing complete filling of the bag, and then the complete emptying of the bag providing the maximum amount of fluid to the user. This is particularly advantageous in the arrangement of a fluid-dispensing toothbrush, because space is at a premium and is an important consideration for designs in this art. Accordingly, claims 1 and 12 are allowable over Nakamura and Sullivan.

In addition, applicant now has specifically shown in the drawings a combination of a fluid-dispensing toothbrush, a pump and a fluid-dispensing pouch. With the positive recitation of a fluid-dispensing toothbrush and a pump in claim 12, an additional issue concerning the examiner's rejection is raised relative to that claim; that is, the obviousness of using an ink bag for an inkjet printer as a pouch for fluid in a fluid-dispensing toothbrush. One skilled in the art

of power toothbrushes is concerned with sanitation issues for fluids going into the mouth, and an efficient bag design too accommodate maximum fluid in a minimum space. Those concerns are not addressed by inkjet bags. One skilled in the art of fluid bags for toothbrushes thus would not reasonably look to the inkjet bag art for instruction with respect to an appropriate bag configuration for fluid-dispensing toothbrushes. Different concerns are involved and different problems are addressed. As the Court pointed out in *KSR*, cited by the examiner, the question of obviousness involves a reasonable, real world approach. Applying that reasonable real world test, taking into consideration the issues, problems and requirements for an effective, efficient pouch for fluids in toothbrushes, it would not be obvious for one skilled in the fluid-dispensing toothbrush art to look to the art of inkjet bags for direction as to the appropriate configuration for a fluid bag. Accordingly, claim 12 is patentable on that basis as well.

In view of the above, allowance of the application is now respectfully requested.

The Commissioner is authorized to charge any deficiency or credit any over payment to Deposit Account 14-1270.

Respectfully submitted,

JENSEN & PUNTIGAM, P.S.

By Clark A. Puntigam
Clark A. Puntigam, #25763
Attorney for Applicant